REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of September 14, 2007 is respectfully requested.

By this Amendment, claims 17-38 have been amended and are currently pending in the application. No new matter has been added by these amendments.

The entire specification and abstract have been reviewed and revised. Due to the number of revisions, the amendments to the specification and abstract have been incorporated into the attached substitute specification and abstract. For the Examiner's benefit, a marked-up copy of the specification and abstract indicating the changes made thereto is also enclosed. No new matter has been added by the revisions. Entry of the substitute specification is thus respectfully requested.

Applicant would like to thank the Examiner for her courtesy in granting and conducting the interview of November 29, 2007, during which the distinctions of the present invention over the applied prior art were discussed. In the interview, the Examiner acknowledged the identified distinctions over the prior art, as discussed below, but indicated that the independent claims should be amended to more clearly define the distinguishing features. In this regard, the independent claims have been amended so as to clearly recite the distinctions of the present invention over the prior art, as discussed below.

On pages 3-4 of the Office Action, the Examiner rejected claim 37 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner indicated that claim 37 is directed towards software per se, and noted that software can only be considered statutory if it is both functional and clearly embodied on a computer readable medium. In this regard, it is noted that claim amended independent 37 recites a window management program which is functional and which is recorded on a computer readable medium. Therefore, it is respectfully submitted that the rejection under 35 U.S.C. § 101 is not applicable to amended claim 37.

On pages 4-29 of the Office Action, the Examiner rejected claims 17-38 under 35 U.S.C. § 102(b) as being anticipated by Ashe (US 5,995,103). For the reasons discussed below, it is respectfully submitted that the amended claims are clearly patentable over the prior art of record.

The discussion of the invention provided below makes reference to the specification and

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figures of the present application. However, these references are made only for the Examiner's benefit, and are not intended to limit the claims.

The present invention is directed to a window stack control method for managing a stack of a plurality of windows which are displayed on a display unit based on one or more application programs. The method includes receiving a request for newly creating a window from the application program, designating a group of the window from the application program, and receiving a request for displaying the window from the application program. The method also includes collectively arranging the window as a group so as to determine a stacking order of the window in the group in response to the display request.

Further, the stacking order of the window is determined so as to be consecutively followed by a stacking order of the group to which the window belongs without altering respective stacking orders of other groups of windows which have been collectively arranged as groups and without altering a stacking order of the groups of windows within the stack of windows. Thus, as explained on pages 3, 4 and 42 of the original specification, and shown, for example, in Fig. 4, a window (or group of windows) being displayed is prevented from being displayed below windows of another group and from being improperly influenced by another application when a non-displayed window is selected due to the stacking order of the window being determined so as to be consecutively followed by a stacking order of the group to which the window belongs without altering a stacking order of the groups of windows within the stack of windows in response to a display request, which is particularly advantageous in the context of devices having small screens such as, for example, cellular phones.

Amended independent claim 17 recites a window stack control method for managing a stack of a plurality of windows which are displayed on a display unit based on one or more application programs. The method of claim 17 includes receiving a request for newly creating a window from the application program, designating a group of the window from the application program, and receiving a request for displaying the window from the application program. The method of claim 17 also includes collectively arranging the window as a group so as to determine a stacking order of the window in the group in response to the display request. Further, claim 17 recites that *the stacking order of the window is determined so as to be consecutively followed by*

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a stacking order of the group to which the window belongs without altering respective stacking orders of other groups of windows which have been collectively arranged as groups and without altering a stacking order of the groups of windows within the stack of windows.

Amended independent claim 37 recites a window management program for managing a stack of a plurality of windows which are displayed on a display unit based on one or more application programs, with the window management program being recorded on a computer readable medium, and wherein a computer is operable to execute steps which include collectively arranging the window as a group so as to determine a stacking order of the window in the group when receiving the display request. Further, claim 37 recites that *the stacking order of the window is determined so as to be consecutively followed by a stacking order of the group to which the window belongs without altering respective stacking orders of other groups of windows which have been collectively arranged as groups and without altering a stacking order of the groups of windows within the stack of windows.*

Amended independent claim 38 recites a window management apparatus for managing, when displaying a plurality of windows on a display unit, a stack of the windows, which includes one or more application programs for displaying one or more windows on the display unit, and a window management program for managing a stack of the windows displayed by the one or more application programs. Claim 38 also recites that the window management program performs control, when receiving a request for displaying a window from the application, so as to collectively arrange the window as a group so as to determine a stacking order of the window in the group, wherein *the stacking order of the window is determined so as to be consecutively followed by a stacking order of the group to which the window belongs without altering respective stacking orders of other groups of windows which have been collectively arranged as groups and without altering a stacking order of the groups of windows within the stack of windows.*

Ashe discloses a window grouping system in which windows created by an application program can be arranged in a master application window list 700 (Fig. 7) so as to be displayed in a specified order relative to other windows. Ashe also discloses that the windows can be further arranged within a list of window groups 800 (Fig. 8).

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However, Ashe does not disclose collectively arranging the window as a group so as to determine a stacking order of the window in the group in response to the display request, and in which *the stacking order of the window is determined so as to be consecutively followed by a stacking order of the group to which the window belongs without altering respective stacking orders of other groups of windows which have been collectively arranged as groups and without altering a stacking order of the groups of windows within the stack of windows*, as required by amended independent claims 17, 37 and 38.

Rather, Ashe discloses a method in which the application can define groups of windows and then cause the display screen to be re-drawn with a selected window and window group at the front of the screen. In particular, Ashe discloses that once a group of windows is defined, the group is attached to an attaching window, and the selection of the attaching window results in that window and all of the windows in the attached group being pulled to the front of the display screen (column 14, lines 63-67, and column 15, lines 15-19). Thus, Ashe does not disclose that in response to a display request, a stacking order of the windows is determined so as to be consecutively followed by a stacking order of the group to which the window belongs without altering a stacking order of the groups of windows within the stack of windows, because Ashe discloses that in response to selecting a window, the selected window and all of the windows in the attached group are moved to the front of the display, thus altering the stacking order of the groups.

Therefore, it is respectfully submitted that the Ashe reference does not anticipate amended independent claims 17, 37 and 38.
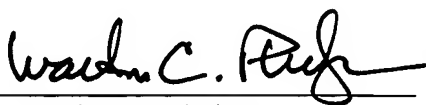
Thus, it is respectfully submitted that amended independent claims 17, 37 and 38, as well as claims 18-36 which depend therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice to that effect is respectfully solicited.

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If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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